

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE EPIX PHARMACEUTICALS, INC.

SECURITIES LITIGATION

No. 1:05-cv-10166-PBS

**MODIFIED STIPULATION AND [PROPOSED] ORDER RE:
CONSOLIDATED COMPLAINT, DEFENDANTS' RESPONSES AND SETTING A
BRIEFING SCHEDULE**

The below-signed parties ("the parties"), representing Lead Plaintiffs the Disciplined Growth Investors Group ("DGI") and all named Defendants, make the following stipulation in connection with the following facts:

1. On January 27, 2005, H. D. Yorston commenced case number 1:05-cv-10166, styled *Yorston v. EPIX Pharmaceuticals, Inc., et al.*, the first-filed of the above captioned actions. In accordance with the Private Securities Litigation Reform Act of 1995 ("PSLRA"), counsel for Yorston published a notice of pendency that same day. Subsequently, the above cases were filed in this district containing substantially similar allegations to the *Yorston* action.

2. In response to Yorston's notice of pendency, several competing motions for consolidation of these actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and for appointment as lead plaintiff pursuant to section 21D(a)(3)(B) of the PSLRA (15 U.S.C. § 78u-4(a)(3)(B)) were timely filed on March 25, 2005.

3. During the pendency of these motions, all lead plaintiff movants and all named defendants, entered into a stipulation concerning the filing of a consolidated complaint, agreeing that a consolidated complaint would be filed within forty-five (45) days from the Court's resolution of motions for consolidation and for appointment of lead plaintiff.

4. On September 29, 2005, the Court caused to be disseminated via the electronic case notification system the Court's Order dated September 27, 2005 (the "Order") appointing the DGI as lead plaintiffs and approving its selection of lead and local counsel. Pursuant to the Order a consolidated complaint must presently be filed on or before November 13, 2005.

5. Commencing shortly after the Court's the Order were the Jewish high holidays of Rosh Hashanah and Yom Kippur which all of DGI's counsel observe.

6. Therefore DGI respectfully requests, and counsel for defendants have assented to, an extension of the time to file its consolidated complaint to and including December 9, 2005. The parties have stipulated that thereafter defendants shall have forty-five (45) days within which to answer or otherwise move to dismiss. If defendants move to dismiss the DGI shall have forty-five (45) days to file any opposition thereto and defendants' shall have thirty (30) days from the date of any opposition to file a reply in support of their motion.

NOW THEREFORE, the parties stipulate and agree, subject to the approval of the Court, as follows:

1. No later than December 9, 2005, DGI shall file and serve a consolidated complaint.
2. Defendants shall answer or otherwise respond to the consolidated complaint no later than forty-five (45) days following its filing and service
3. Should Defendants (or any of them) move to dismiss the consolidated complaint, the court appointed lead plaintiff shall file any response thereto no later than forty-

five (45) days following the filing and such a motion. Thereafter, Defendants shall have thirty (30) days within which to file a reply (if any) to the lead plaintiff's response.

Respectfully submitted,

Dated: October 18, 2005

MOULTON & GANS, P.C.

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Dated: October 18, 2005

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Counsel for Defendants

IT IS SO ORDERED.

The Honorable Patti B. Saris
United States District Judge

Dated: _____

CERTIFICATE OF SERVICE

I, Nancy Freeman Gans, hereby certify that a true copy of the above document was served upon the attorney of record for each party by first class mail on October 18, 2005.

/s/ Nancy Freeman Gans
Nancy Freeman Gans